



FARMERS
BRANCH

ORDINANCE NO. 3091

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT-INTERIM USE FOR INSTALLATION OF THREE (3) TELECOMMUNICATION ANTENNAS AND ONE (1) MICROWAVE DISH ON A TELECOMMUNICATIONS POLE LOCATED ON A 0.0459 ACRE TRACT OF LAND OUT OF PLANNED DEVELOPMENT NUMBER 3 (PD-3) DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND GENERALLY LOCATED ON THE WEST SIDE OF DENNIS LANE APPROXIMATELY MIDWAY ALONG THE NORTHERN BOUNDARY OF FARMERS BRANCH PARK; PROVIDING FOR APPROVAL OF A SITE PLAN; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; AND PROVIDING FOR AN EFFECTIVE DATE SUBJECT TO PUBLICATION AND RECORDING

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity; and

WHEREAS, in accordance with Section 8-452 of the Comprehensive Zoning Ordinance, as amended, the City Council makes the following findings with respect to the application requesting the issuance of a Specific Use Permit - Interim Use on the property described in Exhibit "A," attached hereto and incorporated herein by reference ("the Property"), to wit:

1. The proposed use of the Property is consistent with existing uses of adjacent and nearby property;
2. The proposed use of the Property is not consistent with: (a) the reasonably foreseeable uses of adjacent and nearby property anticipated to be in place upon expiration of the term of the Specific Use Permit - Interim Use; or (b) the use of the Property contemplated by the City's Comprehensive Plan, as in effect on the date of granting of said permit;

13985 Dennis

3. The proposed use of the Property will not impair development of adjacent and nearby property in accordance with said Comprehensive Plan during the period for which the Specific Use Permit - Interim Use is in effect;
4. The proposed use of the Property will not adversely affect the City's Thoroughfare Plan and traffic patterns, as in effect at the time of granting of said permit, and as contemplated by the City's Comprehensive Plan;
5. The applicant has proposed to make an investment of up to \$ 20,000 in improvements to the Property related to the use to be authorized pursuant to the issuance of the requested Specific Use Permit - Interim Use and has stated that such investment can be recovered within the period beginning on the effective date of said permit and this Ordinance and ending on January 17, 2015; and
6. The investment contemplated to be made by the applicant in the Property subsequent to or in reliance upon the issuance of the permit may reasonably be expected to be recovered prior to the expiration date of this Ordinance and the Specific Use Permit – Interim Use created hereby; and

WHEREAS, having held the above-referenced public hearing and making the above findings, the governing body, in the exercise of its legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit-Interim Use for Installation of three (3) Telecommunication Antennas and One (1) Microwave Dish on an existing telecommunications monopole within the Planned Development Number 3 (PD-3) zoning district on a 0.0459 acre tract of land described in Exhibit "A" attached hereto and incorporated herein for all purposes ("the Property").

SECTION 2. The Property shall conform in operation, location and construction to the development standards specified within Planned Development No. 3 (PD-3) Zoning District as well as the following special conditions:

- A. The three (3) antennas and one (1) microwave dish shall be installed in accordance with the Site Plan attached as Exhibit "B" and incorporated herein by reference, and which is hereby approved.
- B. The antennas and microwave dish must either be painted or constructed of materials of a gray color substantially matching the color of the tower to which they will be attached.

C. The owner of the antenna system installed pursuant to this ordinance and the Specific Use Permit-Interim Use granted hereby shall remove all antennas, microwave dishes, mounting brackets, and associated cabling and equipment not later than ninety (90) days following:

- (1) the discontinuance or abandonment of the use of such antennas, dishes, or equipment as the result of obsolescence or otherwise; or
- (2) the expiration of this Specific Use Permit-Interim Use.

SECTION 3. The Property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

SECTION 4. The provisions of this ordinance shall be controlling with respect to the use and development of the Property for the purposes authorized in Section 1, above. In the event of any irreconcilable conflict with the provisions of any other ordinances of the City of Farmers Branch, the provisions of this ordinance shall be controlling.

SECTION 5. Ordinance No 2804 remains in full force and effect, it being the express intent of the City Council that this ordinance govern the use authorized by Section 1, above, without amending the use of the Property and the conditions related to that use authorized by Ordinance No. 2804.

SECTION 6. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

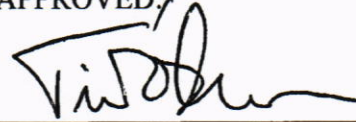
SECTION 8. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 9. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide, and the filing in the Official Public Records of Dallas County, Texas, the notice required by Section 8-459, of the Comprehensive Zoning Ordinance, as amended, have occurred.

SECTION 10. This Ordinance and the right to use the Property for the purposes authorized herein shall terminate on January 17, 2015.

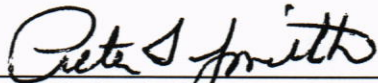
DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 7th DAY OF SEPTEMBER, 2010.

APPROVED:



Tim O'Hare, Mayor

APPROVED AS TO FORM:



Peter G. Smith, City Attorney

ATTEST:



Cindee Peters, City Secretary

EXHIBIT "A" to Ordinance No. 3091
Legal Description

BEING a tract of land situated in the Robert J. West Survey, Abstract No. 1576, City of Farmers Branch, Dallas County, Texas, also being out of and a portion of that certain tract of land conveyed to the City of Farmers Branch by Volume 83077, Page 1396, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as Follows:

COMMENCING at a chiseled "x" set in concrete found for the most southerly southeast corner of Lot 1-R, Block A, Valwood Village Shopping Center, an addition to the City of Farmers Branch, Dallas County, Texas, according to the map or plat thereof recorded in Volume 90144, Page 5308, Deed Records, Dallas County, Texas, also being an interior corner of said City of Farmers Branch tract;

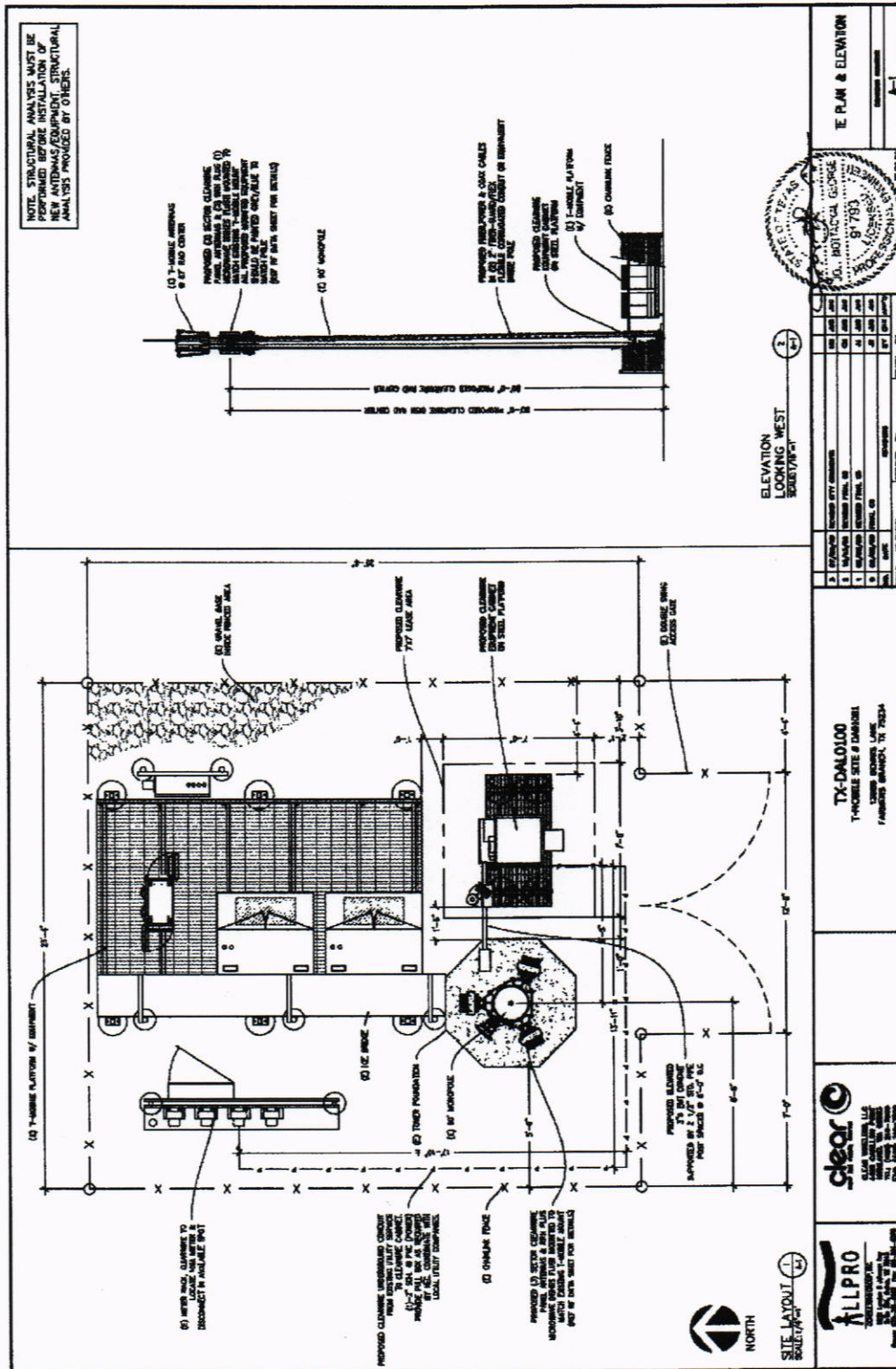
THENCE along the most southerly east line of said Lot 1-R, same being the north line of said City of Farmers Branch tract, South 89 degrees 41 minutes 33 seconds West, a distance of 195.00 feet to a Point;

THENCE through the interior of said City of Farmers Branch tract, South 89 degrees 26 minutes 38 seconds West, a distance of 53.61 feet to a 5/8" iron rod set with cap marked "WEBB-4125" for the POINT OF BEGINNING hereof;

THENCE continuing through the interior of said City of Farmers Branch tract the following four (4) courses:

1. South 89 degrees 38 minutes 10 seconds West, a distance of 80.00 feet to a 5/8" iron rod set with cap marked "WEBB-4125";
2. North 00 degrees 21 minutes 50 seconds West, a distance of 25.00 feet to a 5/8" iron rod set with cop marked "WEBB-4125";
3. North 89 degrees 38 minutes 10 seconds East, a distance of 80.00 feet to a 5/8" iron rod set with cap marked "WEBB-4125";
4. South 00 degrees 21 minutes 50 seconds East, a distance of 25.00 feet to the POINT OF BEGINNING hereof and containing 0.0459 acres or 2000 square feet of land, more or less.

NOTE: STRUCTURAL ANALYSIS MUST BE PERFORMED BEFORE INSTALLATION OF NEW ANTENNAS/EQUIPMENT. STRUCTURAL ANALYSIS PROVIDED BY OTHERS.



Site Plan (cont.)



NOTE: AZIMUTH AND DOWN TILT ARE SUBJECT TO CHANGE. CHECK WITH CLEAR VISION AT TIME OF CONSTRUCTION.

PANEL ANTENNA CHART

MICROWAVE ANTENNA CHART $\frac{1}{A-2}$

ALLPRO
 "SOLUTIONS GROUP, INC."
 10000 Highway 10, Suite 100
 Dallas, TX 75243
 214-343-1111 Fax 214-343-1112
 E-mail: sales@allpro.com
 Web: www.allpro.com

TX-DAL0100
T-MOBILE SITE # DAL0101
13803 EDWARDS LANE
FARMERS BRANCH, TX 75734

DETAILS AND NOTES

A-2

**EXHIBIT "B" to Ordinance No. 3091
Site Plan (cont)**

TX-DAL0100
TWIN-STATE SITE # DAL0100
TWIN-STATE, TEXAS, TX 75081

ALLPRO
Antenna Systems, Inc.
701 E. 10th St., Suite 100
Dallas, TX 75201
Tel: 214-742-1111
Fax: 214-742-1112

clear
Antenna Systems, Inc.
701 E. 10th St., Suite 100
Dallas, TX 75201
Tel: 214-742-1111
Fax: 214-742-1112

Product Data Sheet
2300-Z700MHz Branch 181 Final Antenna
L1001019

Technical Specifications

Parameter	Value
Frequency Range	2300 - 2700 MHz
Power Handling	1000 Watts
VSWR	≤ 1.5
Return Loss	≥ 15 dB
Impedance	50 Ohms
Dimensions (H x W x D)	181 x 181 x 181 mm
Weight	1.5 kg
Material	Aluminum
Finish	Black
Mounting	Flange Mount
Connector	N-Type
Lead Length	1.0 m
Lead Type	Coaxial
Lead Connector	N-Type
Lead Length	1.0 m
Lead Type	Coaxial
Lead Connector	N-Type

Features

- High gain antenna
- Wide bandwidth
- Low VSWR
- High return loss
- High impedance
- High power handling
- High efficiency
- High reliability
- High durability
- High performance
- High quality
- High price

Notes

1. This antenna is designed for use in the 2300-2700 MHz frequency range.
2. The antenna is designed for use in the 2300-2700 MHz frequency range.
3. The antenna is designed for use in the 2300-2700 MHz frequency range.
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9. The antenna is designed for use in the 2300-2700 MHz frequency range.
10. The antenna is designed for use in the 2300-2700 MHz frequency range.

Antenna Details

Antenna System, Inc.
701 E. 10th St., Suite 100
Dallas, TX 75201
Tel: 214-742-1111
Fax: 214-742-1112